

EASA MOULANA,)
)
Plaintiff,)
)
v.) No. 4:10CV710 RWS
)
SCOTTRADE, et al.,)
)
Defendants.)

This matter is before me on plaintiff's motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, I find that plaintiff is financially unable to pay the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis. Additionally, I have reviewed the complaint, and I will order plaintiff to file an amended complaint.

Rule 8(a) of the Federal Rules of Civil Procedure requires that a complaint contain “a short and plain statement of the grounds for the court’s jurisdiction.” While plaintiff says he is invoking diversity jurisdiction, he has failed to specify which state law he is bringing this case under. As a result, the Court cannot make a determination as to whether jurisdiction exists or whether the complaint states a cause of action.

Plaintiff shall have 30 days from the date of this Order to file an amended complaint. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005). The amended complaint must comply with the Federal Rules of Civil Procedure. If plaintiff fails to file an amended complaint within 30 days, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall file an amended complaint within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, this action will be dismissed.

Dated this 14th day of May, 2010.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE